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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,163	09/01/2000	Hiroshi Mikitani	KAK-001	5466

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EXAMINER
BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/653,163	MIKITANI ET AL.	
	Examiner	Art Unit	
	Igor Borissov	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

The claims are mis-numbered beginning at claim 6.

The claims have been renumbered beginning at claim 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-4 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,794,219) in view of Sarno (US 6,024,641).

Brown teaches a system and method for conducting an on-line auction with bid pooling, comprising:

As per claim 1,

- sending an electronic mail in which a unique access key is affixed to one of a plurality of specified participants (column 5, line 55 through column 6, line 52);

- selecting an application for a lottery on the basis of said unique access key from each of said participants (column 5, line 55 through column 6, line 52).

Brown does not specifically teach for notifying said plurality of participants of a result of said lottery.

Sarno teaches a system and method for lottery gaming wherein participants are notified of a result of a lottery (column 6, lines 6-17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown to include that the participants are notified of a result of a lottery because it would enhance the capability of the system thereby make it more attractive to the customers.

As per claim 3, Sarno teaches said system and method wherein the result of said lottery is presented before said electronic mail is sent (column 6, lines 6-17).

As per claim 4, Sarno teaches said system and method wherein a discrimination of the application for said lottery is performed by use of said access key and a destination mail address of said electronic mail (column 2, lines 49-63; column 5, lines 30-44).

As per claim 12, Brown teaches said system and method wherein data of said participant who applied for the lottery is collected and stored (column 6, lines 2-52).

As per claim 13, Brown teaches said system and method wherein said lottery system is entirely incorporated into a computer system (column 6, lines 2-52).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Sarno in view of Petrecca (US 6,409,593).

As per claim 2, Brown and Sarno teach all the limitations of claim 2, except that said result of said lottery is obtained by a drawing performed when said participant applies for said lottery.

Petrecca teaches a system and method for drawing for winners over the Internet, wherein a result of a lottery is obtained by a drawing performed when a participant applies for the lottery (column 4, lines 45-57).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown and Sarno to include that said result of said lottery is obtained by a drawing performed when said participant applies for said lottery because it would enhance the versatility of the system thereby make it more attractive to the customers.

Claims 5-9 and 11are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Sarno in view of McArdle et al. (US 6,442,686).

As per claim 5, Brown and Sarno teach all the limitations of claim 5, except that said access key is an address of an electronic mail sent back by said participant.

McArdle et al. teach a system and method for cryptographic-enabled messaging system wherein an access key is an address of an electronic mail sent back by said participant (column 2, lines 7-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown and Sarno to include that said access key is an address of an electronic mail sent back by said participant because it would enhance the accuracy of the system thereby make it more attractive to the customers.

As per claim 6, Sarno teaches said system and method wherein the result of said lottery is performed by notifying a URL of a page informing the result and an access keyword, using an electronic mail (column 6, lines 14-17).

As per claim 7, Sarno teaches said system and method, comprising: notifying said participant of a URL of a page via electronic mail, wherein said page holds the

result of said lottery as well as an access keyword (column 6, line 14 through column 7, line 32).

As per claim 8, Sarno teaches said system and method wherein the URL of the page informing said result is separated into one for a winner of a prize and the other for a loser in winning the prize (Figs. 3B, 6; column 6, line 14 through column 7, line 32).

As per claim 9, Sarno teaches said system and method wherein by entering said access keyword and a mail address to which said access keyword is sent into the page informing said result, a page for the winner of the prize and a page of the loser in winning the prize can be accessed (column 6, line 14 through column 7, line 32).

As per claim 11, Sarno teaches said system and method wherein a destination mail address of said electronic mail, which is entered in said URL, is used for discrimination (column 2, lines 49-63; column 5, lines 30-44).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Sarno in view of Kamasaka et al. (US 6,240,455).

As per claim 10, Brown and Sarno teach all the limitations of claim 10, except that said access key is a keyword either in a URL of a page for application or in a specified URL.

Kamasaka et al. teach a system and method for alteration of link destination wherein an access key is a keyword in a URL of a page for application (Figs. 14 and 17; column 10, line 29 through column 12, line 27).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown and Sarno to include that said access key is a

keyword in a URL of a page for application because it would enhance the accuracy of the system thereby make it more attractive to the customers.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

IB

JOHN G. WEISS
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